

Message Text

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TO SECSTATE WASHDC PRIORITY 8452

INFO AMEMBASSY SANTIAGO

USMISSION GENEVA

C O N F I D E N T I A L USUN 3054

C O R R E C T E D C O P Y FOR PARA 3 LINE 12

E.O. 11652: GDS

TAGS: SHUM, CI

SUBJECT: CHILE'S RELATIONS WITH THE HUMAN RIGHTS COMMISSION

AD HOC WORKING GROUP ON CHILE.

REF: A) USUN 3010 B) GENEVA 5815

1. SUMMARY. DISCUSSIONS BETWEEN CHILEAN REPRESENTATIVES AND MEMBERS OF THE HUMAN RIGHTS COMMISSION AD HOC WORKING GROUP (WG) RESULTED IN NO MAJOR SUBSTANTIVE PROGRESS, ALTHOUGH VIEWS ON VARIOUS MATTERS WERE CLARIFIED. THE CHILEANS REQUESTED THE U.S. SUGGEST TO THE WORKING GROUP THAT THEY BE MORE FLEXIBLE AND RESPONSIVE TO CHILEAN CONCERNS, HOLDING OUT SOME FUTURE PROMISE OF GREATER COOPERATION. THE EC9 COUNTRIES RESPONSE TO CHILEAN REQUESTS FOR SUPPORT WERE CONSISTENT WITH U.S. POSTURE. END SUMMARY.

2. AS A FOLLOW-UP TO THE MEETING WITH THE CHILEAN REPRESENTATIVES ON JULY 23, AMBASSADORS HUERTA AND MIGUEL SCHWEITZER CAME TO USUN AT THEIR REQUEST ON JULY 28 TO INFORM AMBASSADOR BENNETT AND LEONARD
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GARMENT ON THEIR MEETINGS WITH REPRESENTATIVES OF THE AD HOC WORKING GROUP ON CHILE. SCHWEITZER INDICATED THAT IN THE COURSE OF HIS STAY IN NEW YORK HE HAD TALKED WITH ALL MEMBERS OF THE EC9, OTHER THAN LUXEMBOURG,

IRELAND AND ITALY. WHILE THEY EXPRESSED UNDERSTANDING OF CHILEAN DIFFICULTIES, NONE WERE PREPARED TO BACK THE CHILEAN POSITION AND EACH SEPARATELY SUGGESTED GOC ACCOMMODATION TO THE WG.

3. SCHWEITZER DESCRIBED HIS VISITS WITH GHULAM ALLANA AND LEOPOLDO BENITEZ AS USEFUL INsofar AS THEY CLARIFIED PAST MISUNDERSTANDINGS ABOUT COMMUNICATIONS, (SEE REFTEL A, PARA 2) AND PROVIDED AN OPPORTUNITY TO LAY OUT POSITIONS ON IMPORTANT OUTSTANDING ITEMS. THEY DID NOT, HOWEVER, RESULT IN ANY REAL PROGRESS ON SUBSTANTIVE MATTERS. SCHWEITZER INDICATED HE TOLD ALLANA THAT THE DECISION OF THE CHILEAN GOVERNMENT AS TO WHETHER THEY WILL ATTEND THE MEETING IN GENEVA WILL VERY MUCH DEPEND ON THE SUBSTANTIVE REPLY TO CHILE'S LETTER OF JULY 2. (SEE REFTEL B). IF THE ANSWER FROM THE WG IS RESPONSIVE AND POLITE, SCHWEITZER SAW NO REASON WHY CHILE WOULD NOT GO TO GENEVA; IF OTHERWISE, CHILE WOULD ADOPT AN APPROPRIATE POSTURE. ALLANA ANSWERED THAT THE WG WOULD SEEK TO RESPOND TO THE SUBSTANCE OF THE JULY 2 LETTER, EXPLAIN WHY MEXICO CITY WAS CHOSEN, THE TIMING AND SO FORTH.

4. SCHWEITZER POINTED TO A UN OFFICE OF PUBLIC INFORMATION (OPI) PRESS RELEASE ISSUED JULY 26 AS AN EXAMPLE OF THE KIND OF NEGATIVE ACTION CHILE HAD COME TO EXPECT. (PRESS RELEASE HR/1356, COPY POUNCHED TO DEPARTMENT.) THE RELEASE GOES BEYOND MERELY PROVIDING BACKGROUND INFORMATION AND QUOTES LANGUAGE HIGHLY UNFAVORABLE TO CHILE FROM THE 32ND SESSION OF THE COMMISSION ON HUMAN RIGHTS (SEE DOCUMENT A/10285). SCHWEITZER SAID THAT HE BELIEVED BOTH BENITEZ AND ALLANA WERE GENUINELY SURPRISED WHEN HE SHOWED THEM THE OPI RELEASE. HE FELT THAT MARC SCHREIBER, HOWEVER, WHILE DENYING HAVING ANY PART IN IT, PROBABLY AT THE VERY LEAST KNEW OF ITS PLANNED ISSUANCE. OTHER THAN THE OPI PRESS RELEASE, SCHWEITZER WAS CONFIDENTIAL

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RELATIVELY SATISFIED WITH THE POSTURE TAKEN BY THE WORKING GROUP ON MEDIA COVERAGE. AS STATED TO HIM BY ALLANA, THE WG DID NOT HOLD A PRESS CONFERENCE IN MEXICO, AND DOES NOT INTEND TO HOLD ONE IN NEW YORK. THEY MAY, HOWEVER, ISSUE A VERY FACTUAL STATEMENT AT THE CONCLUSION OF THE CURRENT WORK.

5. SCHWEITZER LISTED IN PRINCIPAL CHARGES, OR DEMANDS DIRECTED AGAINST THE GOVERNMENT OF CHILE BY THE WG (AND BRIEF ANSWERS), AS FOLLOWS: A) THAT THE STATE OF SIEGE NOT BE USED FOR THE PURPOSE OF VIOLATING HUMAN RIGHTS. (THE GOC DID NOT DECREE THE STATE OF SIEGE FOR THIS PURPOSE.) B) THAT ADEQUATE

MEASURES BE TAKEN TO END THE INSTITUTIONALIZATION OF TORTURE. (GOC DENIES ACCUSATION.) C) THAT THE RIGHTS OF PERSONAL LIBERTY AND SECURITY BE FULLY GUARENTEED (DURING A STATE OF SIEGE, CERTAIN RIGHTS OF PERSONAL LIBERTY ARE LIMITED, BUT THE JUDICIAL PROCESS HAS BEEN PROTECTED AND PRESERVED.) D) THAT PERSONS SHOULD NOT BE HELD GUILTY RETROACTIVELY. (THE CONSTI-TUTION AND PENAL LAWS DO NOT PERMIT SUCH ACTION.) E) THAT NO ONE SHOULD BE DEPRIVED OF CHILEAN NATIONALITY. (THE SUPREME COURT AND JUDICIAL PROCESS REGULATES DECISIONS OF NATIONALITY.) F) THAT INDIVIDUALS SHOULD HAVE THE RIGHT TO ASSOCIATE WITH WHATEVER LABOR MOVE-MENT THEY CHOOSE. (CHARGES WERE ANSWERED AT THE OAS MEETING.) G) THAT PERSONS SHALL HAVE THE RIGHT TO INTELLECTUAL FREEDOM. (THERE IS FREEDOM OF THOUGHT IN CHILE.) H) THAT PERSONS STILL UNDER DETENTION FOR POLITICAL REASONS BE RELEASED. (THERE ARE CURRENTLY 423 PEOPLE DETAINED ON POLITICALLY-RELATED CHARGES. THE CHILEAN GOVERNMENT HAS A PAROLE PROGRAM WITH THE U.S.)

6. SCHWEITZER PLANS TO RETURN TO CHILE SHORTLY AND WILL REPORT TO PRESIDENT PINOCHET ON THE RESULTS OF HIS VISIT. HE EXPRESSED DISAPPOINTMENT INASMUCH AS HE INITIALLY UNDERTOOK THIS TRIP WITH THE HOPE THAT THE WG WOULD HAVE BEEN APPROACHED BY THE USG AND OTHERS AND URGED TO ALTER ITS ATTITUDE AND TACTICS. HE MENTIONED EARLIER CONVERSATIONS BETWEEN CHILEAN CONFIDENTIAL

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OFFICIALS AND JERRY PARSKY AND WILLIAM ROGERS WHICH LED THEM TOWARD THIS VIEW. HE ASKED THAT THE U.S. APPROACH THE WG, SUGGESTING IT BE FLEXIBLE IN ITS ATTITUDE TOWARD CHILE AND DEAL IN SPECIFIC CASES, NOT GENERALITIES. IF THE US. WERE SUCCESSFUL, THIS COULD RESULT IN GREATER CHILEAN COOPERATION WITH THE WG. THE U.S. REPS NOTED THE REQUEST.

7. COMMENT: IT WOULD APPEAR THAT SCHWEITZER CON-FRONTED A FUNDAMENTALLY UNIFIED EC9 AND U.S. POSITION, I.E. THAT CHILE FIND A WAY TO ACCOMMODATE THE WG. WHILE HIS TROP RESULTED IN SOMEWHAT BETTER COMMUNI-CATION BETWEEN MAJOR PLAYERS OF THE WG AND CHILEAN GOVERNMENT THEY ARE STILL VERY FAR APART ON SUBSTANCE. IN THE FINAL ANALYSIS, SCHWEITZER SEEMS TO HAVE LITTLE CONFIDENCE THAT EITHER SCHREIBER, ALLANA OR OTHER MEMBERS OF THE WG WILL CHANGE THEIR ATTITUDE, AND THERE WAS NO INDICATION THE CHILEANS WERE PRE-PARED TO MODIFY THEIR POSITION.
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